Mr. M. Sivarama Menon *(Advocate General):* No. There was a specific order of the Diwan that no action should be taken.

POLICE HELP—REQUISITION OF

99. Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Will the Government be pleased to state.—

(*a*) whether any requisition or order was received by the Cherpu Police on 23rd Edavam 1115, 24th Edavam 1115 or 25th Edavam 1115 to accompany the amin or assist him on the occasion of the delivery of possession of an immovable property in Avinisseri village, Trichur Taluk as per a decree of the Trichur Munsiff's Court;

(*b*) if the answer to (*a*) is in the affirmative, from whom was the order or requisition received by the Police;

(*c*) whether any constable or constables or other officers were sent to the spot (their names may be given); whether those who were deputed thus have made any report to the station about the occurrence in the place of delivery of possession;

(*d*) whether there was any resistance to delivery by some *bona fide* claimant of the property;

(*e*) how and what did the Police act to remove obstruction to delivery;

(*f*) what are the functions of the Police on occasions like this, when their services are requisitioned for removing obstructions to delivery of immovable property?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* (*a*) Yes.

(*b*) From the 2nd class Magistrate, Trichur.

(*c*) (*i*) Yes, P. C. 492, Govinda Menon; (*ii*) he has reported that he preserved peace at the spot and that there was nothing particular.

(*d*) There was no resistance.

(*e*) No reply necessary in view of reply to (*d*).

(*f*) To see that the amin is not molested or obstructed in the discharge of his duty.

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Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Was there any attempted breach of peace when P. C. 492, Govindan Nair, went to the spot?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* No.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Then what was the meaning of this report that he preserved peace?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* The amin thought that he would be assaulted. He was present there, but nothing happened.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Will the Government be pleased to take note that when Police officers are requisitioned by amins at the instance of the parties, generally, in many cases, it is sought to be a threat to check the people, who are residing.

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* In many cases the fears are unfounded.

Mr. M. K. Devassy *(Adur):* In cases where people are in possession of property and they are not parties to the suit they may not be prepared to evict the buildings. The proper remedy is to apply in court instead of resorting to police help and in several cases people who ought to have been made parties to the suit are driven away with police help.

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* I have not come across any such instance.

Mr. President: If any case is brought to the notice, it will be looked into.

Mr. M. K. Devassy *(Adur):* In cases where people are not parties to the suit and when police make their appearance in the spot, they were frightened to object giving delivery for which they have a right. There are many cases like that.

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* The police officers are only there to see that the amin is not molested. If any case is reported to me, I will take the necessary action.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* If any such thing takes place they can apply to the Court for re-delivery and the same is granted. There is provision for it.

Mr. M. K. Devassy *(Adur):* Now the burden of getting re-delivery is shifted on those people. In fact, they should not have been affected. I know this is the usual practice.

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Mr. A. Madhava Prabhu *(Diwan Peishkar):* The amin has no right to evict if they are not parties. The very fact that they are not parties is, itself, a sure ground for getting re-delivery of the property. The amin goes there thinking that the judgment-debtor is there, but he finds sometimes some other people are put there by the judgment-debtor. Nobody has a right to put another man there and obstruct the amin from taking possession of the property. These things sometimes take place. If it is found that they have got a *bonafide* claim and they are not parties to the suit, their petitions are surely allowed by courts.

Mr. M. K. Devassy *(Adur):* Unless they are people who have absolutely nothing to do with it, these amins should not evict them, and if the amin feels any doubt in the matter, it is his duty to bring this matter to the notice of the Court and shift the burden on those people.

Mr. A. Madhava Prabhu *(Diwan Peishkar):* Instances of this sort have not come to the notice of the Court. If the Court is approached for police help, the Court has always tried to see that the amins do not resort to police help. These things might have at one time existed. But, I have never come across any such cases during my three year's experience in the judiciary. We have given instructions at the time of our inspection about this, and the lower courts are very careful to instruct their amins not to resort to such sort of things.

MOLESTATION OF NON-CASTE HINDUS, MULLUR—ARTICLE IN "GOMATHI" DATED 17TH JUNE 1940

100. Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Will the Government be pleased to state.—

(*a*) whether the attention of the Police Department has been drawn to an article under the caption "പൊലീസിന്റെ ശ്രദ്ധക്ക്" that appeared in "Gomathi" dated 17th June 1940 at page 3, column 4;

(*b*) if so, what was the matter to which the attention of the Police has been invited;

(*c*) whether any enquiry was made into the complaints and allegations contained in the article referred to in (*a*);

(*d*) who is the Police Officer who made enquiries in the matter?

Rao Bahadur M. Narayana Menon *(Commissioner of Police):* (*a*) Yes.

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